

REMARKS

In the outstanding Office action dated June 21, 2004, claims 35-37, 39-49 and 51-58 were rejected under 35 U.S.C. § 102(b) as being anticipated by Pryor (4,398,789). Additionally, claims 38 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Pryor patent. The Applicants respectfully traverse the rejections of the claims.

In the response filed March 11, 2004, it was argued that the cited Pryor patent does not teach a control system for a water spa intended to remain substantially continuously filled between uses. In the present paper, Applicants have amended independent claims 35 and 47 to recite a control system wherein the water spa is configured to remain substantially continuously filled between uses. It is again respectfully submitted that the cited Pryor reference does not teach the recited subject matter. In rejecting the claims in view of the Pryor reference, the Examiner relied upon Column 2, lines 33-35 and Column 3, lines 44-46 and lines 61-63 as teaching a control system for a water spa which remains substantially continuously filled between uses. However, the Pryor patent does not teach such subject matter but in fact, merely teaches sensing the level of water of a bathing system. Significantly, there is no teaching in Pryor of a water spa that is substantially continuously filled between uses. Rather, the Pryor patent is directed towards a bathing system that is likely emptied between uses since the heater 40 of the Pryor device is configured on the fill lines 15, 16 and as such, should the bathing system of Pryor be continuously filled, it cannot contain hot water for a bath. It is not believed that Pryor contemplates a bathing system that is continuously filled with water that cannot be made hot. Accordingly, it is respectfully submitted that each of pending claims recite subject matter which is patentable over the Pryor reference.

Additionally, it is respectfully submitted that the Pryor reference completely lacks the teaching of the system interconnection panel recited in the pending claims. Notably, in rejecting

the pending claims, the Examiner did not identify any element of the Pryor patent as being a system interconnection panel. Each of the pending claims recite a control system including a system interconnection panel and a plurality of electronic and electrical components connected to the system interconnection panel, including an electronic control panel capable of displaying alphanumeric characters calculated by a microcomputer. To reject the claims, the Examiner characterized control panel 2 of the Pryor patent as being an electronic panel capable of displaying alphanumeric characters. Accordingly, it is believed that the Examiner intended that the control panel 2 of Pryor represents a prior art teaching of the electronic control panel capable of displaying alphanumeric characters recited in each of the pending claims. However, the Examiner also relied on the disclosure in the Pryor patent of the control panel 2 as a teaching of "the use of a panel including a step-down supply." Significantly, each of the pending claims recite a system interconnection panel including a step-down power supply and a control panel which is connected to the system interconnection panel. The claims do not require a control panel including a step-down power supply but rather, require a control panel connected to a system interconnecting panel which includes a step-down power supply. Clearly, the control panel 2 of Pryor cannot be both a system interconnection panel including a step-down power supply and a control panel connected to such a system interconnecting panel. Therefore, it is respectfully submitted that the Pryor patent does not anticipate the claims of the present application.

Moreover, each of pending claims 39 and 51 require a heating element and a pump to be connected to the recited system interconnection panel. In addition to completely lacking the teaching of the system interconnection panel, it is respectfully submitted that the cited Pryor reference also lacks the teaching of a heating element and a pump connected to a system

interconnection panel. Whereas the controller 6 of the Pryor reference appears to be connected to sensors 31 and 32, the Pryor reference does not teach connecting the disclosed heating unit 40 or pump 18 to a system interconnection panel or for that matter, to the disclosed controller 6 itself. Therefore, it is respectfully submitted that claims 39 and 51 are patentable over the cited art for these reasons as well.

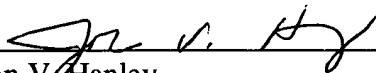
Turning now to the rejection of claims 38 and 50 under § 103, it is respectfully submitted that a convincing line of reasoning supporting the rejection of the claims has not been presented (See Ex parte Clapp, 227 USPQ 972 (Bd. Pat. App. & Inter. 1985)). Significantly, to "establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art." In re Rozka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Since the cited art appears to lack the teaching of a control system wherein a Ground Fault Circuit Interrupter (GFCI) is interposed between an electrical power source and a system interconnection panel, should the rejection be based upon facts within the personal knowledge of the Examiner, the data supporting that knowledge should be stated as specifically as possible and the facts relied upon must be supported. In the present situation, the rejection of claims 38 and 50 is based upon the unsupported statement that it would have been obvious to one of ordinary skill in the art to incorporate a GFCI into the recited system. Thus, in view of MPEP §2144.03 and 37 CFR 1.104(d)(2), the Applicants hereby request an Affidavit from the Examiner setting forth data supporting the incorporation of a GFCI into a control system for a water spa. In the absence of such supporting data, it is respectfully submitted that claims 38 and 50 have not been properly rejected under § 103(a) and are therefore, patentable over the cited art.

CONCLUSION

Applicants have attempted to completely respond to the rejections set forth in the outstanding Office action. In view of the above amendments and remarks, Applicants respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

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